

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

BLACK LOVE RESISTS IN THE RUST, *et al.*,
on behalf of themselves and all those similarly
situated

Plaintiffs,

No. 1:18-cv-719

v.

CITY OF BUFFALO, *et al.* ;

Defendants.

**DECLARATION OF EDWARD P. KRUGMAN IN SUPPORT OF
MOTION TO SHORTEN TIME RE: RENEWED MOTION FOR
ISSUANCE OF SUBPOENA TO NEW YORK STATE
DEPARTMENT OF MOTOR VEHICLES (ECF #122)**

Edward P. Krugman declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the Bar of the State of New York and of this Court and am one of the counsel for Plaintiffs in this action. I make this declaration on personal knowledge in support of Plaintiffs' motion to shorten time with respect to their renewed motion for issuance of a subpoena to the New York State Department of Motor Vehicles (ECF #122).

2. As set forth previously (ECF #104-3 ¶ 9), Counsel for Defendants declined to take a position on Plaintiffs' original motion for issuance of the subpoena (ECF #104), thus preventing Plaintiffs from filing that motion on consent. Defendants did not, however, file any opposition to the original motion.

3. I requested that Defendants consent (or decline to oppose) the renewed motion, stating that the renewed motion was substantively the same as the previously motion, with the

addition of the showing requested by the Court in ECF #110 with respect to the extent of the burden on the DMV to comply with the subpoena. Counsel for Defendants responded that he would take no position at this time but would review the papers when filed.

4. In light of Defendants' previous non-opposition to issuance of the subpoena, and in order to move this matter along and get the requested address information in hand, Plaintiffs submit that it is appropriate to shorten time to respond to ECF #122 and suggest November 4 (one week) for opposition and November 8 for any reply.

This 28th day of October, 2021, I declare under penalty of perjury that the foregoing is true and correct.

/s/ Edward P. Krugman

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2021, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Edward P. Krugman